

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Lassen Modoc Plumas Unit  
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February 5, 2009

Lahontan Regional Water Quality Control Board  
Attn. Harold Singer  
2501 Lake Tahoe Blvd  
South Lake Tahoe, CA 96150

Dear Mr. Singer,

Thank you for the opportunity to comment on the (Tentative) Conditional Waiver of Waste Discharge Requirements Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (waiver) and the Initial Study Supporting the Preparation of a Mitigated Negative Declaration for the revision of the Timber Waiver (negative declaration).

The following are CAL FIRE Lassen Modoc Plumas Unit comments. Requested edits are indicated in underlined text in the case of additions, and delete text in the case of such deletions.

1. Page 12, Table 1, Category 2, first column, add underlined language as follows:  
"Timber harvest and vegetation management activities conducted by hand crews, including thinning operations and prescribed fire".
2. Page 12, Category 2, Conditions, Item 3: Delete this section as it is not within Lahontan Water Board jurisdiction, but rather is a CAL FIRE and California Board of Forestry and Fire Protection Licensing jurisdiction as per Professional Foresters Law. Also, this violates landowner's rights as a private landowner may mark and/or cut their own trees without an RPF. See additional comment below on this topic regarding the CEQA document. We agree with and support as our own and other CAL FIRE Units and Headquarters.

Individually marking such small trees is impractical, excessively tedious and time consuming, and costly, and will result in significant delays and increased costs in fuel hazard reduction projects in the Lahontan Region. The result is the, fewer acres treated at high risk of catastrophic wildfire, leading to increasingly larger and more intense wildfires, which can adversely affect public safety, human life and property, habitat, and air and water quality.

The potential for indirect impacts of such excessive requirements, such as the requirement to individually mark such small trees, on air quality and fire protection, should be analyzed as part of the CEQA process. Currently, the negative declaration makes a finding of "No Impact" on air quality and fire protection. Given the indirect affects of such excessive requirements, this finding is incorrect. Therefore, we recommend that the requirement to

individually mark such small trees be removed from the waiver. If the requirement is retained in the waiver, we recommend its indirect impacts on air quality and fire protection be analyzed as part of the CEQA process.

3. Page 13, Category 3, Eligibility Criteria, last sentence: "Non-emergency activities are not eligible for Category 3". Delete the entire sentence or please define for further consideration what is perceived as a "non-emergency" within the post fire emergency.
4. Page 14 Category 4, Eligibility Criteria, Item 5 should allow for aerial or cable harvest operations on slopes over 60%. Items 6, through 8 should be consistent with the California Forest Practice Act, rules and regulations and be specific to potential for overland flow reaching a watercourse or waterbody if that is the intent.
5. Page 15, Category 4, Conditions, Item (8): Delete this section as it is not within Lahontan Water Board jurisdiction, but rather is a CAL FIRE and California Board of Forestry and Fire Protection Licensing jurisdiction as per Professional Foresters Law. See comment 2 above. *This comment applies to all waiver categories containing this condition.*
6. Page 16, Category 4, Conditions, Item 14(a) and Page 21, Category 6, Conditions Item 18 (b): Delete this section as it is too restrictive and unachievable under prescribed fire conditions, and in some cases may increase the risk to a waterbody by not allowing controlled, light underburning which is a natural historical condition promoting healthy waterbodies
7. Page 16, Category 4, Conditions, Item 14(d): Add underlined language to the end of the sentence that allows for the placement or burning of burn piles within Waterbody Buffer Zones and Stream Environment Zones: **unless where topography, access, and/or human hand-thinning limitations allow and pile numbers and size are allowed based upon the latest science or upon mutual agreement by the RPF and Water Board representative upon site visit.** *This recommendation applies to all categories containing this condition.*

#### Comments regarding Definitions (Attachment A)

1. Replace from "Broadcast Burning" to "**Prescribed Burning**".
2. Change Winter Period to "**October 15 through May 1**" so as to remain consistent with the California Forest Practice Act.

We believe the above changes will enhance the ability of all participants to protect our natural resources in the Lahontan Region from risk of catastrophic fire.

Again, thank you for the opportunity to comment. The Lassen Modoc Plumas Unit wishes to continue the professional working relationship currently held with the Lahontan Water Board Staff.

Ivan Houser for

Brad Lutts  
Unit Chief  
Lassen Modoc Plumas Unit

Cc: Brad Lutts, Unit Chief CAL FIRE  
Bill Schultz, Deputy Chief CAL FIRE  
Ivan Houser, Unit Forester (Acting) CAL FIRE